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February 14, 2023

VIA ECF

Hon. Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: Mark McKinley v. Detective Crevatas, et al.,
20 Civ. 3606 (KPF)

Your Honor:

I am the attorney assigned to represent defendants New York City Police Department (“NYPD”) Detective Crevatas, Detective Payano, Detective Garcia, Detective Brown, and Undercover Officer UC 376 in the above-referenced matter. Defendants write to respectfully request that UC 376’s deposition transcript be filed under seal in connection with defendants’ forthcoming motion for summary judgment.

By way of background, on December 19, 2022, Your Honor set an initial briefing schedule for defendants’ fully dispositive motion for summary judgment. (See ECF No. 102). On January 19, 2023, Your Honor endorsed a revised briefing schedule, wherein defendants were to file their initial moving papers by February 15, 2023. (See ECF No. 104).

Defendants are prepared to timely file their motion on February 15, 2023. In support of their motion, defendants intend to attach, as an exhibit, the entire transcript of the deposition of defendant UC 376. Pursuant to the Stipulation and Order Regarding Appearance of Undercover Officer at Deposition endorsed by the Court on October 24, 2022 (see ECF No. 97), and for the reasons set forth therein, UC 376’s entire deposition transcript has been marked as confidential, for attorney’s eyes only. As such, defendants respectfully submit that UC 376’s deposition transcript cannot be filed on the public docket, and that access to the transcript should be limited to the parties and the Court.

In light of the foregoing, defendants respectfully request that the Court permit defendants to file UC 376’s deposition transcript under seal. Plaintiff’s counsel has consented to this request.

Defendants thank the Court for its time and attention to this matter.

Respectfully submitted,

Andrew B. Spears /s

Andrew B. Spears
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA ECF**
Edward Sivin, Esq.
Attorney for plaintiff

Application GRANTED. Defendants may file UC 376's deposition transcript under seal in connection with their motion for summary judgment, viewable to the Court and parties only.

The Clerk of Court is directed to terminate the pending motion at docket entry 105.

Dated: February 14, 2023
New York, New York

SO ORDERED.

Katherine Polk Failla

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE